SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2016-090506 consol.   09/21/2016

                                           CLERK OF THE COURT
HONORABLE DAVID M. TALAMANTE   M. Kay
                                                    Deputy

ADVOCATES FOR AMERICAN DISABLED   PETER STROJNIK
INDIVIDUALS L L C, et al.

v.

1639 40TH STREET L L C   LINDSAY LEAVITT

                                         MATTHEW B DU MEE
                                         MATTHEW D KOGLMEIER
                                         HARVARD BUSINESS SERVICES INC
                                         NO ADDRESS ON RECORD
                                         SCOTT F FRERICHS
                                         EVAN GUY DANIELS
                                         DON C FLETCHER
                                         JOHN DOUGLAS WILENCHIK
                                         ROGER W HALL

                              MINUTE ENTRY

        The Court has before it Plaintiffs' Motion for Stay based on the Petition for Special
Action pending before the Court of Appeals, the State of Arizona's Opposition to Motion for
Stay and Plaintiffs' Reply (oral argument requested). The Court has not received a Response
from the consolidated Defendants.

        As a preliminary matter, it should be noted that the Court did not rely on the holding in
Williams v. Superior Court 190 Ariz 80 (App. 1997) in rejecting Plaintiffs' Rule 42(f) Notice of
Change of Judge but the policy discussion in the opinion prohibiting judge-shopping after a party
discovers the trial court's viewpoint on a significant issue. Plaintiffs' arguments to the contrary

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are disingenuous. In the Court's estimation, the so called "other actions" filed by Plaintiffs were identical in the legal issues raised and ruled on in this matter.

Additionally, as pointed out by Defendants at the hearing on August 25, 2016, Plaintiffs not only had notice of that hearing, they agreed to the date in communication with court staff. The attachments to the State's Opposition confirms this.

All of the above leads this Court to find that public policy does not favor granting a stay. Further, this trial court finds that Plaintiffs have not established a strong likelihood of success on the merits.

IT IS ORDERED denying Plaintiffs' Motion for Stay.

IT IS FURTHER ORDERED denying Plaintiffs' request for oral argument.